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Counsel for Defendant DAVARIS

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN DAVARIS,

Defendant.

No. CR 12-850 EMC

STIPULATION and ~~[PROPOSED]~~
ORDER TO VACATE ALL DATES
PREVIOUSLY SCHEDULED BY THE
COURT

Date: November 27, 2013

Time: 2:30 p.m.

Court: The Honorable Edward M. Chen

Undersigned counsel stipulate as follows:

1. Mr. Davaris failed to appear for his last two court appearances and otherwise lost touch with Pretrial Services. A warrant has been issued for his arrest;
2. Given Mr. Davaris' absence, litigation in this matter cannot continue until the defendant is brought before the Court;
3. Accordingly, the parties hereby move the Court to vacate all hearing dates that have been scheduled by the Court in this matter, including all status conferences, motion hearing dates, the date for the pretrial conference, and the trial date;

1 4. The parties further agree that pursuant to 18 U.S.C. § 3161(h)(3)(A), time
2 is automatically excluded under the Speedy Trial Act due to Mr. Davaris'
3 absence. As required by that statute, the parties stipulate that the
4 defendant's whereabouts are unknown, and in addition, there is good
5 cause to believe that the defendant is currently attempting to avoid
6 apprehension or prosecution. See 18 U.S.C. § 3161(h)(3)(B).

7
8 IT IS SO STIPULATED.

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10 DATED: November 26, 2013

_____/S/_____
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ELIZABETH M. FALK
Assistant Federal Public Defender
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14 DATED: November 26, 2013

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ACADIA SENESE
Assistant United States Attorney
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20 **~~[PROPOSED]~~ ORDER**

21 GOOD CAUSE APPEARING, it is hereby ORDERED that all dates previously set
22 by the Court in this matter, including all status conferences, motion hearings, pretrial
23 conference, and trial are hereby VACATED.

24 IT IS SO ORDERED.

25
26 11/26/13
27 DATED:_____

28 THE HONORABLE
UNITED STATES

